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REMARKS

Applicants have reviewed and considered the final Office Action mailed on March 22, 2007. Claims 61-65 are currently pending. By this response, the Applicants herein amend claims 61, 62, 64 and 65.

Applicants respectfully request reconsideration and allowance of all claims in view of the following remarks.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

Claims 61-65 are patentable over McKenna in view of Vogel under §103

Claims 61-65 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,816,904 to McKenna et al. ("McKenna") in view of U.S. Patent No. 4,930,160 to Vogel (hereinafter "Vogel"). The rejection is traversed.

The Applicants respectfully submit that McKenna and Vogel, alone or in any permissible combination fail to teach or suggest a system or method comprising a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review group assignment rules associated with a viewer's set top terminal and by processing any input from the viewer to modify or override any of the group assignment rules associated with the viewer's set top terminal, as positively claimed by Applicants' independent claims 61 and 64. Specifically, claims 61 and 64 positively recite:

> 61. A system, comprising:
> a switching engine for receiving a plurality of group assignment rules, wherein said plurality of group assignment rules associate a plurality of set top terminals to a group based on a target category and a switching plan and for switching at least one program channel to at least one feeder channel according to the switching plan, the feeder channel being an ancillary channel for providing

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a plurality of advertisements based on a group assignment in the plurality of group assignment rules;

a group assignment rules processor engine for managing the <u>plurality of group assignment rules by allowing a viewer to review group assignment rules associated with a viewer's set top terminal and by processing any input from the viewer to modify or override any of the group assignment rules associated with the viewer's set top terminal</u>; and

a data collection engine for collecting information including advertisements watched data and any changes to the plurality of group assignment rules for use in future advertising targeting. (Emphasis added.)

64.   A method, comprising:

receiving a plurality of group assignment rules, wherein said plurality of group assignment rules associate a plurality of set top terminals to a group based on a target category and a switching plan;

switching at least one program channel to at least one feeder channel according to the switching plan, the feeder channel being an ancillary channel for providing a plurality of advertisements based on a group assignment in the plurality of group assignment rules;

managing the group assignment rules by <u>allowing a viewer to review group assignment rules associated with a viewer's set top terminal and by processing any input from the viewer to modify or override any of the group assignment rules associated with the viewer's set top terminal</u>; and

collecting information including advertisements watched data and any changes to the plurality of group assignment rules for use in future advertising targeting. (Emphasis added.)

In an exemplary embodiment, the Applicants' invention teaches a system comprising a group assignment rules processor engine for managing the plurality of group assignment rules by <u>allowing a viewer to review group assignment rules associated with a viewer's set top terminal and by processing any input from the viewer to modify or override any of the group assignment rules associated with the viewer's set top terminal</u>. For example, the group assignment rules allow for the assignment of a group number to each set top terminal for each target category based on information collected and stored by the set top terminal. (See e.g. Applicants' specification, p. 48, ll. 5-7.) In other words, each set top terminal is associated with other set top terminals based on the group number. (See e.g. Applicants' specification, p. 47, Table D.) However, if a subscriber wishes to modify or override the assigned group number, the group assignment rules processor engine provides a way for the subscriber to review

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the current group assignment rules in effect for his or her terminal and override or modify any or all of the current group assignment rules in effect. (See e.g., Applicants' specification, p. 59, ll. 17-25.)

In contrast, McKenna fails to disclose the claimed group assignment rules processor engine that allows a viewer to review and modify or override the group assignment rules. The Examiner concedes this in the Office Action. (See p. 4, ll. 22-25.) However, the Examiner alleges that Vogel bridges the substantial gap left between McKenna and Applicants' invention.

Vogel fails to bridge the substantial gap between McKenna and Applicants' invention because Vogel also fails to teach or to suggest the claimed a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review group assignment rules associated with a viewer's set top terminal and by processing any input from the viewer to modify or override any of the group assignment rules associated with the viewer's set top terminal. Vogel teaches an automatic censorship of video programs. A user may disable the display of programs of various classifications. (See Vogel, col. 5, ll. 1-34) If the user later decides to watch one of the programs in the disabled classification, a user my press an OVERRIDE key to watch the program. (See *Id.* at ll. 34-43)

Applicants respectfully submit that overriding a user defined disabled program category is not the same as modifying or overriding any of the group assignment rules, as positively claimed by Applicants' invention. For example, the group assignment rules of Applicants' invention associates a subscriber's set top terminal with other set top terminals based on a target category. The amended independent claims clarify and positively recite this aspect of the Applicants' invention. In contrast, the censorship rules taught by Vogel only associate programs with other programs.

The Examiner notes in the Final Office action that he interprets the group number itself as being a very simple version of a rule. (See Final Office Action, p. 2, ll. 10-11.) The simple rule being if you are part of this group, modify the content being viewed, if you're not part of this group, don't modify the content being viewed. (See *Id.* at ll. 11-12.) However, the Applicants respectfully submit that this rule relates to the incoming

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programs and not the set top terminal itself. Nowhere in Vogel does Vogel teach or suggest that the set top terminal is associated with other set top terminals based on a group assignment number. Rather, Vogel teaches that the group assignment number is specifically related to the programs as a method of censorship. (See Vogel, col. 5, ll. 1-17.)

Moreover, Vogel and McKenna cannot be meaningfully combined. Vogel requires the user to define what groups of programs they wish to censor and then provides an option to override the censoring without having to re-define what groups of programs they wish to censor. (See Vogel, col. 5, ll. 1-43) However, a viewer in McKenna does not know what demographic group they have been assigned to. Therefore, the program censoring method of Vogel cannot be meaningfully combined with McKenna because a viewer in McKenna's invention will not know what group they are in. Thus, a viewer will be unable to define what to censor, as required by Vogel. Consequently, without defining what to censor, the override option will not be available, as taught by Vogel.

Furthermore, as discussed in Applicants' response to the Office Action dated April 19, 2006, Applicants' described how McKenna teaches that the data collection unit itself controls the tuning of the cable converter. (See McKenna, col. 9, ll. 28-43; col. 10, ll. 38-50, "Specifically it is the data collection unit itself which controls the tuning of the cable converter. The viewer or panelist appears to control the cable converter normally, but the signals are actually intercepted by the data collection unit and it is the data collection unit that commands the tuning of the converter.") In contrast, Vogel teaches that the user controls the tuning of the cable converter based on the censorship rules created by assigning a group number to programs. (See Vogel, col. 5, ll. 1-17.) For example, if the incoming video is to be censored based on the user controlled censorship rules, an alternate video is displayed. (See Vogel, col. 2, ll. 53-63; FIG. 1.) Therefore, Vogel teaches away from McKenna because McKenna teaches the viewer does not have control of the tuning of the cable converter, where Vogel teaches that the user has control by defining what programs to censor and what programs to watch.

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As such, McKenna and Vogel alone or in combination fail to teach or suggest Applicants' invention as claimed in at least claims 61 and 64. Accordingly, claims 61 and 64 are patentable under 35 U.S.C. §103 over McKenna and Vogel. Claims 62, 63, and 65 depend, directly or indirectly, from claim 61 and, thus, inherit the patentable subject matter of claim 61, while adding additional elements and further defining elements. Therefore, claims 62, 63, and 65 are also patentable over McKenna and Vogel under §103 for at least the reasons given above with respect to claims 61 and 64.

Therefore, the Examiner's rejection of claims 61-65 should be withdrawn.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and allowance of the claims. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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